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IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

PLANNED PARENTHOOD ASSOCIATION OF UTAH, Plaintiff, v. SPENCER COX, et al. Defendants.	STATE DEFENDANTS' POSITION ON STAYING PROCEEDINGS IN LIGHT OF <i>DOBBS V. JACKSON WOMEN'S HEALTH</i> Case No. 2:19-cv-00238 Judge Clark Waddoups
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Pursuant to the Court's Docket Text Order of June 22, 2021, Defendants Spencer Cox, Sean Reyes, Nate Checketts, and Mark Steinagel,¹ (collectively, "State Defendants") submit their position that this case should be stayed in light of the Supreme Court's pending case in *Dobbs v. Jackson Women's Health*, Case No. 13-1392.

In *Dobbs*, the Supreme Court will review and issue an opinion on the question of whether all pre-viability prohibitions on elective abortion are unconstitutional. The statute at issue in *Dobbs* prohibits elective abortions at a point in pregnancy (15 weeks) earlier than that designated by the statute at issue in this case (18 weeks). Thus, the decision in *Dobbs* will have a direct impact on this case. Staying the proceedings in this case until such time as the Supreme Court issues an opinion in *Dobbs* is a prudent course of action because it avoids wasting judicial and party resources on a case that may be dismissed or vacated, depending on the Supreme Court's opinion. Further, Plaintiff would not be harmed by a stay in this case because the injunction that is already in place would remain in place during the pendency of the stay.

Therefore, State Defendants' position is that this Court should stay all proceedings until such time as the Supreme Court issues an opinion in *Dobbs*.

DATED: July 7, 2021.

OFFICE OF THE UTAH ATTORNEY GENERAL

/s/ Lance Sorenson

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¹ Fed. R. Civ. P. 25(d) provides that when "a public officer who is a party in an official capacity . . . ceases to hold office . . . the officer's successor is automatically substituted as a party. Later proceedings should be in the substituted party's name. . . ." Since the filing of this lawsuit, Spencer Cox has become the Governor of Utah, substituting for Gary Herbert, and Nate Checketts has become the interim Director of the Department of Health, substituting for Joseph Miner and Richard Saunders.

CERTIFICATE OF MAILING

I certify that on **July 7, 2021**, I electronically filed the foregoing, **STATE DEFENDANTS' POSITION ON STAYING PROCEEDINGS**, using the Court's electronic filing system and I also certify that a true and correct copy of the foregoing was sent by email to the following:

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